

Donald Clark Cox
Name, Prisoner ID # 215181

SSN: 444-64-9996

DL. Moss / C.J.C.
Address

300 N. Denver ave. Tulsa, Ok 74103-1420

FILED

DEC - 7 2005

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Donald Clark Cox, Plaintiff(s)
(Full Name)

v.

Stanley Glanz, Defendant(s)
Tulsa County Sheriff et. al

05CV 690 HDC-FHM

Case No. _____
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. PARTIES

1) Donald Clark Cox, is a citizen of Oklahoma
(Plaintiff) (State)

who presently resides at David L. Moss / C.J.C. 300 N. Denver Ave.
(mailing address or place of confinement)

Tulsa, Oklahoma 74103-1420

2) Defendant Stanley Glanz is a citizen of
(Name of first defendant)

Tulsa, Oklahoma, and is employed
(City, State)

as Sheriff - Tulsa County
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? Yes ☒ No ☐

If your answer is "Yes", briefly explain:

Sheriff Glanz is head of David L. Moss Criminal Justice Center to where I'm currently being wrongfully held or housed.

WFP

3) Defendant Brent Fatkin is a citizen of
 (Name of second defendant)
Tulsa Oklahoma, and is employed
 (City, State)
 as Administrative Director/Southern Corrections Systems, Inc.
 (Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under the color of state law? Yes ☒ No ☐.

If your answer is "Yes", briefly explain:

Mr. Fatkin is facility head of Avalon Community Corrections

Facility in which petitioner was being housed at the time of incident.

[You may attach one additional page (8½" x 11") to furnish the above information for additional defendants.]

B. JURISDICTION

- 1) Jurisdiction is asserted pursuant to: (Check one)
☒ 42 U.S.C. §1983 (applies to state prisoners)
☐ *Bivens v Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. §1331 (applies to fed. prisoners)
- 2) Jurisdiction also is invoked pursuant to 28 U.S.C. §1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)
§ 1997(a-e) Injunctive Relief Declaratory Judgement

C. NATURE OF CASE

- 1) Briefly state the background of your case. Petitioner claims to being held well after his discharge date of September 30, 2005, as well as not being immediately released upon the District Judge's court order being rendered twice.

D. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: [If necessary, you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.]
- a (1) Count I: Violations of Civil and Constitutional Rights of the Fifth Amendments - the Right to "Due-Process"

Additional Defendants

- Defendant # (3) - ANN Tandy / Contract Administrator,
 # (4) - Allen Woodworth / Case manager - Supervisor
 # (5) - Kevin Newberry / Case manager - Supervisor
 # (6) - Greg Province / District Supervisor
 # (7) - Johnny Blevins / assist District Supervisor
 # (8) - Rick Parish / Assist Deputy Director
 # (9) - Reginald Hines / Assist Deputy Director
 # (10) - Greta Hawthorne / Administrative assist #1 / Case manager aid

as named above, are all citizens of Tulsa, Okla.
 and are employed at their respective positions, also as
 named above for Southern Collections Systems, Inc.

And all said defendants were acting under color of
 state law, at the time at this claim as alleged arose.

To Explain: All said defendant were in active duty when
 this act occurred. YES ☒ NO ☐

- Defendants # (11) - James Saffle / President - Avalon Coll. Ser + Sub Coll. sy.
 # (12) - Justin Jones / Director - State of Oklahoma (Ok-Dept. of CORR - Div of Cor. Corr.)
 # (13) - Ron Ward / Former Director / State of Okla. Dept of CORR. (Div of Corra Corr.)
 * ~~(14)~~ -

As named above, are all citizens of Oklahoma City, Okla.
 and are employed at their respective positions, also as named
 above for State of Oklahoma Department of Corrections.

And, yes ☒ NO ☐ were all acting under color of law, state.
 at the time this claim arose. Each at their own position.

Additional Defendants

Defendants #(14) - Lt. Simpson / Correction officer
#(15) - Ms. Barnett / Chief of Security
#(16) - Ms. Freeman / Assistant Administrator
#(17) - Andrew Pierce / Detention Hearing Officer
#(18) - Ms. Duncan / Avalon Administration Staff
#(19) - Ms. Lynch / Avalon - Counselor

as named above, are all Citizens of
Tulsa, Oklahoma and are employed as stated
above in their respective positions at Avalon Comm
Corrections Facility at Tulsa - 302 W. Archer - Tulsa, Ok. 74103

and yes ☒ NO ☐, were all acting under color of
State law at time the alleged claim arose. To Explain:
all parties were indeed on duty as claimed alleged.

Cause of Action

1) a. (1) Court I.

Supporting facts: Petitioner/Plaintiff claim for violations of his Fifth, Eighth, and Fourteenth Amendment Rights are in the present and most obviously clear fact that, Tulsa County Sheriff- Mr. Stanley Glanz, named as first defendant in this Civil Rights Complaint is responsible for wrongfully and illegally holding plaintiff- Mr. Donald Clark Cox well after his discharge date of a sentence that he has clearly satisfied on September 30, 2005, even after and upon the District Court Judges Honorable Judge Otey, and Honorable Judge Jesse Harris's issuance of an immediate "Court Ordered" Release, with Judge Otey's order on September 19, 2005 some (11) eleven days prior to plaintiff's Release and discharge date of Sept. 30, 2005, and with Judge Harris's order being rendered on November 10, 2005, some (40) forty- days proceeding plaintiff's projected Release and discharge date of 9-30-2005.

These Honorable Judges order for releases are stemming from plaintiff being issued a "write-up" or "misconduct infraction" for an alleged escape charge while being formally housed at Avalon Community Corrections facility to which is a private institution but affiliated with Southern Corrections Systems, Inc and Governed by State of Oklahoma Department of Corrections - Division of Community Corrections. The incident of alleged escape occurred on the day of September 10, 2005. With these (2) two Honorable Judges direct order for plaintiff's immediate release being totally ignored by Sheriff- Stanley Glanz and all agents involved, clearly signifies a definite deliberate indifference to plaintiff's Civil and Constitutional Right to receive "Due Process" to which is a severe violations of an inmates right. Plaintiff was not provided a fair nor impartial hearing from the Administration officials at Avalon Comm. Corr. to be conducted by Detention Hearing Officer- Mr. Pierce.

Count I - Supporting facts:

I also was not provided a fair chance when returning late from my workplace - Oklahoma Fixtures Inc / Tulsa, Oklahoma that same evening when I had placed a phone call to the Avalon Center to announce that I would be returning late to the center. That call was taken by Correction Officer - Mr. Simpson to which was later discovered that Mr. Simpson did so fail to log-in my phone call in which I did place prior to my arrival to the Avalon Center at approximately 10:10 pm only (2) two hours later than my designated time of usually signing-in at 8:00 pm daily. It is well known that Mr. Simpson regularly accepts payment from clients at Avalon Comm. Corr. Center when upon one's arriving later than his designated time of returning to the center. I blatantly refused to be intimidated or threatened by Mr. Simpson to illegally pay him for not citing me for arriving late to the center, thus this the only and clear reason why he immediately announced that I was being cited for escape even though I arrived at the center prepared to sign in at that appropriate time late or not, and that he refused to permit me to sign-in as records will display. Both Judges ability to justly see through the cause clearly determined their decision to dismiss the frivolous charge of escape, especially ^{there} I, plaintiff was placed under arrest there at the Avalon Center by Tulsa Police Officers with no incident. Your Honor, this act clearly displays the obvious intent to place a tremendous burden on my completing a sentencing term. I assert to your immediate authority that view my complaint as a direct hardship and too, that this is indeed a serious violation of my Civil and Constitutional Rights as a prisoner in custody of this State of Oklahoma as well as a definite violation of my Fifth Amendment Right of Due Process.

B. Count II - Supporting facts: In my claim of violations of my right to receive "Equal Protection of The Law" is in the fact that I am indeed being blatantly denied release from State custody even after the fact that my sentencing term has been clearly satisfied as of September 30, 2005 and that not one, but two District Court Judges - Honorable Judge Otey and Honorable Judge Harris dismissed the charges of escape from a community corrections facility, first on dismissal of the alleged offense that occurred on the day of September 10, 2005, ordered by Judge Otey, then on dismissal was ordered September 19, 2005. Eleven days prior to my rejected release date of September 30, 2005. Then on Judge Harris' order for dismissal warranted on the day of November 10, 2005, some (40) forty days after my release date had past. Your Honor, it is surely in order to seek relief through a "Civil Rights Complaint" as a prisoner in the custody of the State of Oklahoma as the blatant ignorance by Sheriff - Stanley Glanz and the Administrative Director of Avalon Comm. Corrections - Mr. Brent Fatkin to respect the District Court Judges decisions to dismiss the charges against me. Their tandem actions are most certainly placing a direct and tremendous burden upon me completing my sentence to which has clearly been satisfied as my obligation to the state is complete. These acts are both, violations of my Fifth, and Eighth Amendments.

D. - Cause of action -

C. Count III - Supporting facts:

In my claim for obvious violations in a serious sense to my "fourteenth Amendment" right to remain free from of "Cruel and Unusual Punishment" is clear and conclusive evidence of its intentional and direct occurrence by the mere fact that I have satisfied my sentence and the Administrative officials, Head Administrative Director - Mr. Brent Fattkin, Lt. Simpson, also of Avalon Comm Corrections, Detention Hearing Officer - Mr. Andrew Pierce, Ms. Greta Hawthorne - Administrative Assistant #1 / Case Manager - Ride, Case Manager / Supervisor - Mr. Allen Woodworth, Avalon Correctional Services, Inc + Southern Corrections Systems, Inc - President / Mr. James L. Saffle, Contract Administrator / Division of Community Corrections - Ms. Ann Tandy, Assistant Deputy Director / Mr. Reginald Hines, District Supervisor - Mr. Greg Province, Director of State of Oklahoma - Oklahoma Department of Corrections Division of Community Corrections - Director - Mr. Ron J. Ward, Tulsa County Sheriff / and David L. Moss Criminal Justice Center Administrative Director - Mr. Stanley Glanz and all other County Deputy Sheriffs and agents involved are continuing to attempt to punish me for a clearly and decisively dismissed infraction that should have been rendered as void from my prison misconduct record. These officials of Avalon Comm Corr. are continuing to deny me the right to access of my moneys that are in their possession as well as continue to subtract money or payment for housing subsistence as though I am still being housed there at Avalon Comm Corr. as it is clear that I have been here at David L. Moss Criminal Justice Center for approximately (80) eighty days since September 10, 2005 through this date of November 29, 2005.

- Cause of Action -

D.

(Conclusion)

Your Honor, I truly trust that you see clear through these malicious acts as I have diligently attempted to put into detail as best that I am /literately capable. I duly apologize for the manner that I am forced to address your Honorable Court in an improfessional manner, hand-writing!

Would the court please notice that I can not afford nor forward the necessary amount of copies instructed by the court for I am indeed indigent and at a serious disadvantage, I will gladly and most respectfully pay for the filing process fee, if your honor could possibly retrieve my trust fund account from the defendants, at which are at a more than enough amount in which to satisfy payment!

I Respectfully submit this complaint in open-hearted trust that I be granted all such relief as I have most thoroughly Requested, and duly appreciate your Honor's personal observation as well as his time. I look forward to a most respectful reply and an expeditious resolve. Thank you for your time that this may absorb from your (I'm quite sure) busy and complicated schedule. "May God Bless You, Merry Christmas, and Happy New Year"

Respectfully Submitted,
Donald Cox
Donald Cox

Donald Clark Cox
#215181 - #0112399

David L. Moss/C.J.C.

300 N. Denver ave.

Tulsa, OK. 74103-1420

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

I have attached additional pages to create space in which to explain Supporting Facts.

- b (1) Count II:
Violations of Civil and Constitutional Rights of a prisoner of the Eighth Amendments - the Right to "Equal Protection of the Law."

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Attached are additional pages in order to create space in which to list Supporting Facts.

- C (1) Count III:
Violations of Civil and Constitutional Rights of a prisoner in state custody - the Fourteenth Amendments - the Right to be free from Cruel and Unusual Punishment

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Petitioner has attached additional pages in order to create space in which to explain Supporting Facts.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒

If your answer is "Yes", describe each lawsuit. [If there is more than one lawsuit, describe this each additional lawsuit using the same format on a blank sheet of paper which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF."]

- a) Parties to previous lawsuit:

Plaintiffs: N/A

Defendants: _____

- b) Name and Location of Court and docket number _____

- c) Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

- d) Issues raised _____

- e) Approximate date of filing lawsuit _____

- f) Approximate date of disposition _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes ☒ No ☐.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Petitioner submitted written notices to Adm. Director - Mr. Fatkin, with no such response, written notices to Ms. Ann Tandy / contract Admin. with a response of Remedy denial and a host of other request as well. Plaintiff will attach proof.

- 3) I have exhausted available administrative remedies Yes ☒ No ☐.

If your answer is "Yes" briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No" briefly explain why administrative remedies were not exhausted.

Petitioner has exhausted available administrative remedy as explained above - with attached proof.

F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

- 1) If you are proceeding under 28 U.S.C. §1915, please list each civil action or appeal you have brought in a court of the United States, while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. [If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet of paper which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."]

- a) Parties to previous lawsuit:

Plaintiffs: N/A
 Defendants: _____

- b) Name and Location of Court and docket number _____

- c) Grounds for dismissal: [] frivolous [] malicious [] failure to state a claim upon which relief may be granted.
- d) Approximate date of filing lawsuit _____
- e) Approximate date of disposition _____

- 2) Are you in imminent danger of serious physical injury? ☒ Yes No ☐. If your answer is "Yes" please describe the facts in detail below without citing legal authority or argument. Petitioner is being currently housed in the most violent housing unit for violent offenders at David L Moss/CJC.

G. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief: Immediate "Court Ordered" Release, Injunctive Relief, Trial by Jury, Monetary, Compensatory, and Punitive award for damages sustained in the sum of \$5,000,000.00 Five Million Dollars.

 Original Signature of Attorney (if any)

Donald Clark Cof
 Original Signature of Petitioner

 Attorney's full address and telephone number

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at D.L. Moss/CJC 300 N. Denver ave Tulsa, OK on November 22, 2005
 (Location) (Date)

Donald Clark Cof

TULSA COUNTY SHERIFF

David L. Moss Criminal Justice Center

INMATE REQUEST FORM

TO: Ms Woods
(List Name of Staff and/or Position)

DATE: 11-28-05

FROM: Donald Cox
Inmate Name (Printed)

0112399
Inmate Number

J-4-C1
Housing

RECEIVED: J Taylor
(Detention Officer)

DATE: _____

REQUEST: I would like a copy of my amount and
Balance in my Account.

INMATE SIGNATURE: Donald Cox

STAFF RESPONSE: Balance is \$ 4.21, see printout

STAFF SIGNATURE: Strope

DATE: 11-28-05

THIS IS NOT A GRIEVANCE

DEPARTMENT OF CORRECTIONS OFFENSE REPORT

Parole/Comm/PPCS Dkt. Date _____

Name of Facility AVALAN92A
Facility Computer Code

Inmate Name:

DOC #

Date of Offense:

Time:

Place of Offense:

Housing Assignment:

Offense:

Offense Computer Code:

Class of Offense: X

Description of Incident (to include any unusual inmate behavior)

ON 9-10-05 AT APPROX 4:00PM I/M COX SIGNED OUT FOR WORK WITH A RETURN TIME OF 8:00PM. AT 9:45PM I/M COX WAS NOT ON CENTER. ESCAPE PROCEDURE WAS STARTED.

Staff or Inmate Witness (if any) LT. SINGHON C/M CHARG, C/M MASSAD

Disposition of Physical Evidence (if any) _____

Immediate Action Taken (to include the use of force and prehearing detention)

WROTE MISCONDUCT, IMPLEMENTED ESCAPE PROCEDURES

Name and Title of Reporting Employee

Signature of Reporting Employee

Name LT. SINGHONTitle LT.Date 9/10/05Time 11:30pm

Name and Title of Accepting Staff Member

Referred for Investigation by

Name _____

Name _____

Title _____

Date ____/____/____

Time _____

Date ____/____/____ Time _____

____ I have received a copy of the written charge against me. I realize that I have a right to remain silent and I understand that I have a right to an impartial hearing.

____ I request a hearing.

____ I request a hearing, but I waive my right to 24 hours preparation time.

____ I waive my right to a disciplinary hearing on the above charge. I do this of my own free choice with full knowledge that this shall be considered as a plea of guilty and that allowable sanctions be imposed with no right for appeal.

Inmate's Signature _____

DOC # _____

Date ____/____/____

Time: _____

____ Inmate chose not to sign for a copy of the Offense Report at this time.

Misconduct Report Delivered to above inmate by _____

Date Delivered _____

Time Delivered: _____

Your disciplinary hearing will be scheduled on a docket which will commence within the next 7 days (excluding weekends and holidays) from the acceptance by the shift supervisor/unit manager. Inmates supervised by Probation and Parole will have a hearing scheduled on a docket which will commence within seven days (excluding weekends and holidays) from the receipt of this report.

ORIGINAL:

Commitment Document Folder

FIRST COPY:

Field file

SECOND COPY:

Inmate

THIRD COPY:

Director

DOC 060125A (R 5/04)

Tape No. 101 Side A Footage

DISCIPLINARY HEARING ACTIONS

I. Name of Facility Avalon HWT Facility Code 92 A Date of Violation 9/16/05
 Name of Inmate CCX Last Name Donald First Name M.I.
 Violation Escape Violation Code 1C-1 Class of Offense X
 Hearing Date 9/15/05 DOC # 215181 Time 2:10 PM Place D.C. MCS 5

II. I understand that I waive the opportunity of this case being appealed if I plead guilty to this offense.

PLEA: 1. Guilty Inmate's Name and Number Inmate's Initials
 2. Not Guilty Inmate's Initials

Confidential Statements: I have independently reviewed the reliability statement and have found that it sufficiently supports the reliability of the confidential witness statement(s).

Disciplinary Officer's Signature

III. Finding With Vote Records

1. Guilty X 2. Not Guilty

Evidence relied on for finding of Guilt: Offense Report, escape report and incident reports by Lt. Thompson and Ym Cheng state that from 8:00 am to 8:00 pm at K-10
from a fence report and full inmate information report dated with no finding re: 1/16/05
(cc/2) copy of offender's signature and search report dated 9/16/05 were reviewed
sign in time at 8:00 AM as per the report.

IV. Punishment Imposed: 1. Disciplinary for 30 days Sanction Code X-1 Suspension No for 0 days
 2. Rev. 305 EC-10 Sanction Code X-2 Suspension No for 0 days
 3. Rev. 305 EC-10 Sanction Code X-3 Suspension No for 0 days

Basis for punishment imposed To hold inmate accountable for his actions and to deter
future rule violations

Disciplinary Officer Signature Charles Peace (DHC)

V. As a result of conviction for subsequent offense prior to expiration of the suspended punishment, the previous suspended punishment is hereby revoked: to run consecutive to the new punishment.

Previous Violation:

Previous Punishment: 1. 2. 3.

Date of Imposition: 1/1/05

Facility Head Review ✓ Affirm Dismissed Modified Order for re-hearing

Date 9/16/05 Signature James Miller

VI. I have received a copy of the disposition. Date 9/16/05

Inmate's Signature and Number Thomas C. [unclear] Refused to sign. Lt. Peace gave

ORIGINAL: Director, if Appealed

FIRST COPY: Field File

SECOND COPY: Inmate



AVALON
CORRECTIONAL SERVICES, INC.
& Southern Corrections Systems, Inc.
(a wholly owned subsidiary)

www.avaloncorrections.com

13401 Railway Drive, Oklahoma City, Oklahoma 73114

Telephone 405/752-8802 or 800/919-9113 • Fax 405/752-8852

November 7, 2005

Donald Cox, #215181
David L. Moss Criminal Justice Center
300 N. Denver
Tulsa, OK 74103

Re: Request to Staff

Dear Mr. Cox:

I am returning the Request to Staff forms you submitted to me. I am not employed by the Oklahoma Department of Corrections and you need to submit your request for information to the facility to which you are assigned or to the Oklahoma Department of Corrections.

Your correspondence enclosing the Request to Staff forms were forwarded to me by Tulsa County District Community Corrections. They could have directed your correspondence back to you or to the appropriate facility, but failed to do so.

Sincerely,


James L. Saffle
President

Enclosures

**TULSA COUNTY SHERIFF'S
PRISONER GRIEVANCE FORM**

(For Sheriff's Office use only)

PRISONER'S NAME

Donald Cox

(Please Print Full Name)

DATE/TIME

9-30-05

CELL# / BED #

POD #4 C2

GRIEVANCE

I was charged with an erscript
charge. The Tulsa is just dismissed
my charge. Sept 14 is my discharge
date. Sept 30 at max. three years.
I served 13 months at let recent. I wish
to have D.O.C. release me. Date and release
me. Thank you. Donald Cox

PRISONER'S SIGNATURE

Donald Cox

OFFICER'S SIGNATURE

M Major

I.D. #

DATE/TIME RECEIVED

9-30-05 1145

RESPONSE

You are being held on a
D.O.C. Hold right now. D.O.C. will have
to release their hold or tell us
when to transport you.

RESPONDENT'S SIGNATURE

AND TITLE

Capt F. K. C.

MAN #

F-1430

DATE/TIME

10-02-05

PRISONER'S SIGNATURE

Donald Cox

DATE/TIME

10-02-05

Signature is acknowledgement of response, not agreement of response.

RON J. WARD
DIRECTOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

October 24, 2005

Mr. Donald Cox, #215181
David L. Moss
300 N. Denver
Tulsa, Ok 74103

Dear Mr. Cox,

I am in receipt of all your letters concerning your misconduct. I am enclosing the Disciplinary Policy which covers, due process, hearings, appeals, and time frames.

You have requested Department Operations Policy on Escapes, which Ms. Hawthorne provided to you; however there is no individual policy on escapes from halfway houses or unauthorized areas. Anytime a client is unaccounted for it can be considered an escape. Per Mr. Fatkin, you were to return to the facility at 8:00 p.m. and when you did not return, attempts to locate you at your job were unsuccessful. At this time, the host facility was notified and they started the escape checklist. Once the checklist is completed and it is called into the DOC hotline, it is considered an escape. It is irrelevant whether or not the District Attorney failed to charge you with escape. Those charges have nothing to do with the misconduct process.

I hope this answers your questions. Additional questions may be addressed to Allen Woodworth, Case Manager Supervisor, Tulsa District Community Corrections, 440 S. Houston, Ste. 701, Tulsa, OK 74127 as he is Ms. Hawthorne's supervisor and his office is responsible for case management while you are in David L. Moss.

Respectfully,

A handwritten signature in cursive script that reads "Ann Tandy".

Ann Tandy
Contract Administrator
Division of Community Corrections

cc: Reginald Hines, Assistant Deputy Director
Greg Province, District Supervisor

A handwritten signature in cursive script, possibly reading "Bren".

Date Printed: 05 NOV 2005

Oklahoma Department of Corrections

Page: 1

Time Sheet

For the Month of : October 31, 20

Current Days Remaining Report for: 215181

J-4
COX, DONALD C

Case Supervisor: NEWBERRY, KEVIN

Housing Unit: D2CCC-TULSA CO JAIL

CRF # 2003-3272 Counts: 1

Effective date	Time Served	Earned	Lost	Other	Month Net	Days Remaining
30 SEP 2005						407
31 OCT 2005	31	0	0	0	31	376

Comments:

JUSTIN JONES
DIRECTOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
DIVISION OF COMMUNITY CORRECTIONS

November 28, 2005

Mr. Donald Cox, #215181
David L. Moss Criminal Justice Center
300 N. Denver
Tulsa, OK 74103

Dear Mr. Cox,

I am in receipt of your request to staff concerning your question as to why you have not been released from jail since the district court failed to charge you with escape. Even though the court decided to dismiss the escape charges, this has nothing to do with your misconduct; which is an administrative action and the court has no jurisdiction. You were charged with an escape misconduct due to your failure to return to the facility at the appropriate time and are no longer eligible to be at Avalon with a Class X misconduct.

Policy is mandated by the Department of Corrections, not Southern Corrections Systems, Inc. and once your misconduct was completed your file was turned over to Tulsa District Community Corrections for all case management issues until your transfer to a DOC facility.

I have forwarded your request for a disbursement to Mr. Johnny Blevins, Assistant District Supervisor and all future correspondence should be directed to them as they now oversee your file, not Avalon.

I hope this answers your questions and please feel free to contact me should you require additional information.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ann Tandy", is written over a horizontal line.

Ann Tandy
Contract Administrator
Division of Community Corrections

cc: Johnny Blevins, Assistant District Supervisor
Rick Parish, Assistant Deputy Director

David L. Moss Criminal Justice Center

INMATE REQUEST FORM

TO: law library
(List Name of Staff and/or Position)

DATE: 11-11-05

FROM: Donald Cox
(Inmate Name (Printed))

0112399
Inmate Number

J-4-C
Housing

RECEIVED: [Signature]
(Detention Officer)

DATE: 11/11/05
11/14/05

REQUEST: I need to go to the Law Library to study for
my appeal of an class-x write up. I need go see
The D.O.C. opps

INMATE SIGNATURE: Donald Cox

STAFF RESPONSE: no ins can come to the library at this time
do not have doc ops

STAFF SIGNATURE: [Signature]

DATE: 11/14/05

THIS IS NOT A GRIEVANCE

RON J. WARD
DIRECTOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
TULSA COUNTY DISTRICT COMMUNITY CORRECTIONS

September 22, 2005

Memorandum

To: Donald Cox
#215181

From: Greta Hawthorne
Administrative Assistant I
Case Manager-Aide

Re: Personal Face to Face Contact

Mr. Cox,

When we spoke on September 21, 2005, you stated that you had no concerns or needs at this time. There should be someone from Avalon to serve you your Misconduct, when this happens I will be preparing your Packet for transfer.

If I can address any other concerns or needs that you may have while you are housed at the David L. Moss Criminal Justice Center, please do not hesitate to contact me by Request of Staff. These forms were submitted to you on 9-21-05.

Thanks in advance,

A handwritten signature in cursive script that reads "Greta F. Hawthorne".

Greta F. Hawthorne

RON J. WARD
DIRECTOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
TULSA COUNTY DISTRICT COMMUNITY CORRECTIONS

September 22, 2005

Memorandum

To: Donald Cox
#215181

From: Greta Hawthorne
Administrative Assistant I
Case Manager-Aide

Re: Personal Face to Face Contact

Mr. Cox,

When we spoke on September 21, 2005, you stated that you had no concerns or needs at this time. There should be someone from Avalon to serve you your Misconduct, when this happens I will be preparing your Packet for transfer.

If I can address any other concerns or needs that you may have while you are housed at the David L. Moss Criminal Justice Center, please do not hesitate to contact me by Request of Staff. These forms were submitted to you on 9-21-05.

Thanks in advance,

A handwritten signature in cursive script that reads "Greta F. Hawthorne".

Greta F. Hawthorne

TULSA COUNTY SHERIFF

David L. Moss Criminal Justice Center

INMATE REQUEST FORM

TO: Huckaby
(List Name of Staff and/or Position)DATE: 9-30-05FROM: Donald COX
(Inmate Name (Printed))0112399
215181

Inmate Number

J-4 C2
HousingRECEIVED: M. Major
(Retention Officer)DATE: 9-30-05REQUEST: I had A ESCAPE charge it was
Disissed 9-19-05. I have A Doc Hold I was
to Discharge from D.O.C 9-30-05. why am I
still at David L. MossINMATE SIGNATURE: Donald CoxSTAFF RESPONSE: you have a hold for DocSTAFF SIGNATURE: [Signature]DATE: 10-9-05

THIS IS NOT A GRIEVANCE

Mr Simpson when the M. S. (Cousin)
like I didn't come back to the
Auction I don't understand it. He
did that [redacted] wrong for doing
that He didn't tell the TRUE

Disbursement Why

really

hapins

DATE: 12-05-05

1-4-05

NOTED

REQUEST TO STAFF

TO:

JAMES Seftle

FACILITY/UNIT

DRDATE: 10-26-05

(NAME AND TITLE OF STAFF MEMBER)

I have ___ have not ☒ already submitted a "Request to Staff" or grievance on this same issue.
 If yes, what date: ___ facility: ___ grievance # ___
 I affirm that I do ___ do not ☒ have a grievance pending on this issue.
 I affirm that I do ___ do not ☒ have a lawsuit of any type pending or planned that relates in anyway to this issue.
 This request ___ does ___ does not relate to a pending misconduct report. If it does, this request may only be answered by the investigator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

On 9-14-05 I received a class X misconduct for escape
16.4. Soon afterwards on 9-19-05 I went to court on my
charge of escape on Tulsa county and the judge dismissed
the charge of escape on Tulsa county and ordered my
release on 9-16-05. I was found guilty on my misconduct
and given sanctions of 365 days lost 90 days level lost and
 (USE OTHER SIDE IF MORE SPACE IS NEEDED) disciplinary, 30 days

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

I would like to know how can I be found innocent on
Tulsa county courts of law of escape and guilty at
Quail Hill for ESCAPE (my discharge date was 9-30-05)

NAME:

Donald Cox

(PRINT)

NUMBER:

DOC-215181011239

UNIT & CELL NUMBER:

F-4

SIGNATURE:

Donald CoxR. J. HoweNotary

WORK ASSIGNMENT:

My commission expires 10-8-07

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

STAFF MEMBER

DATE

DOC 090124D (R 6/05)

REQUEST TO STAFF

TO:

James Saffle

(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT

D2DATE: 10-26-05

I have ___ have not ☒ already submitted a "Request to Staff" or grievance on this same issue.
 If yes, what date: ___ facility: ___ grievance # ___
 I affirm that I do ___ do not ☒ have a grievance pending on this issue.
 I affirm that I do ___ do not ☒ have a lawsuit of any type pending or planned that relates in anyway to this issue.
 This request ___ does ___ does not relate to a pending misconduct report. If it does, this request may only be answered by the investigator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

This is for my appeal. I would like the opps on escape from a half way house or private half way house facility. Along with the codes and class of offense. I would also like opps on unauthorized area along with the codes and class of offense. I would like opps on escape 1b-7 along with the codes and class of offense. I would like opps on due process.
 (USE OTHER SIDE IF MORE SPACE IS NEEDED)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

I should receive your opps on escape from a HWK and your opps on present in unauthorized AREAS.

NAME:

Donald Cox

(PRINT)

NUMBER:

0112390

UNIT & CELL NUMBER:

J-4

SIGNATURE:

Donald Cox

Notary

WORK ASSIGNMENT:

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

STAFF MEMBER

DATE

DOC 090124D (R 6/05)



Home Courts Court Dockets Legal Research Calendar Help
Previous Section Top Of Index This Point in Index Citationize Next Section

Title 21. Crimes and Punishments

Oklahoma Statutes Citationized

Title 21. Crimes and Punishments

Chapter 12 - Escape and Aiding Escape

Section 443 - Escape from Penal Institutions

This Statute Will Be Superseded

Effective: 11/01/2005

Cite as: O.S. §. ____

A. Any person having been imprisoned in a county or city jail or detained in a juvenile detention facility awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to the custody of the Department of Corrections who escapes from a juvenile detention facility while actually confined therein or escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, shall be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than seven (7) years.

B. Any person who is an inmate in the custody of the Department of Corrections who escapes from said custody, either while actually confined in a correctional facility, while assigned to an alternative to incarceration authorized by law, while assigned to the Preparole Conditional Supervision Program as authorized by Section 365 of Title 57 of the Oklahoma Statutes or while permitted to be at large as a trusty, shall be guilty of a felony punishable by imprisonment of not less than two (2) years nor more than seven (7) years.

443: C. For the purposes of this section, an inmate assigned to an alternative to incarceration authorized by law or to the Preparole Conditional Supervision Program shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he fails to report to a correctional facility or institution, as directed.

I was arrested at Center, not streets

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which he was serving imprisonment at the time of his escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section 434 of this act. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which he was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

Historical Data

Added by Laws 1939, p. 6, § 1; Amended by Laws 1943, p. 83, § 1; Amended by Laws 1974, c. 285, § 15, emerg. eff. May 29, 1974; Amended by Laws 1976, c. 175, § 1, emerg. eff. May 31, 1976; Amended by Laws 1983, c. 47, § 1, eff. November 1, 1983; Amended by Laws 1986, c. 89, § 1, eff. November 1, 1986; Amended by Laws 1988, c. 109, § 23, eff. November 1, 1988; Amended by Laws 1988, c. 310, § 9, operative July 1, 1988; Amended by Laws 1993, c. 276, § 12, emerg. eff. May 27, 1993; Amended by Laws 1994, c. 290, § 50, eff. July 1, 1994; Amended by Laws 1997, HB 1213, c. 133, § 194, (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., c. 2, §§ 23-26, eff. June 19, 1998) (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB. 1009, § 109, emerg. eff. July 1, 1999 (superseded document available).

Citationizer® Summary of Documents Citing This Document

None Found.

PRISONER REQUEST FOR LEGAL MATERIALS

PRISONER NAME

Donald COX-0112399

FACILITY

CELL NO.

DATE & TIME

DATE & TIME

DAVID L. MOSS J-4 C29-26

REQUEST RECEIVED

9/27/05

BOOK TITLES

21431
 Doc ops I would like to view
 the Doc OPS for escape At A
 57510.1
 half-way house or any material
 that would be helpful

Thanks For your help in this matter

LAW LIBRARY OFFICER

DATE REQUEST FILLED

9/28/05

PRISONER RECEIVING LEGAL MATERIAL

DATE

Donald Cox

WARNING: Prisoners who destroy, mutilate or steal Tulsa County Detention Division or Court's Legal Materials shall be subject to prosecution and disciplinary action.

NOTE: Prisoners may only request 5 books per weekday with 24 hour notice.

White - Law Library

Yellow - Prisoner's Copy

Form 1800 (Rev. 7-97)

TULSA COUNTY SHERIFF

David L. Moss Criminal Justice Center

INMATE REQUEST FORM

TO: Sgt. Darby DATE: 9-27-05
(List Name of Staff and/or Position)

FROM: Donald Cox 6112399 J-4
Inmate Name (Printed) Inmate Number Housing

RECEIVED: M. Major DATE: 9-27-05
(Detention Officer)

REQUEST: I would like copy of my
Traci's Report

INMATE SIGNATURE: Donald Cox Thank you

STAFF RESPONSE: See Attached

STAFF SIGNATURE: Sgt. M. Major DATE: 9-27-05

THIS IS NOT A GRIEVANCE

COX, DONALD CLARK

DOC Number
215181Date Received
10-05-2004Jail Time
226

85% Date

Year	Time Served	Time Earned	Other	Lost	Month Net	Remaining	Comments
2004							
JAN							
FEB							
MAR							
APR							
MAY							
JUN							
JUL							
AUG							
SEP							
OCT	27	9 19	AB 245		291	1095	
NOV	39	22			52	804	
DEC	31	22			53	752	
Year Total					53	699	
JAN	31	22			53	646	
FEB	28	45			73	573	
MAR	31	45			76	497	
APR	30	45			75	422	
MAY	30	45			76	346	
JUN	30	45			75	271	
JUL	31	60			91	180	
AUG	31	60			91	89	
SEP	30	60			92		
OCT	31	60			91		
NOV	30	60			92		
DEC	31	60			91		
Year Total					91		
JAN							
FEB							
MAR							
APR							
MAY							
JUN							
JUL							
AUG							
SEP							
OCT							
NOV							
DEC							
Year Total							
JAN							
FEB							
MAR							
APR							
MAY							
JUN							
JUL							
AUG							
SEP							
OCT							
NOV							
DEC							
Year Total							
TOTAL							

MJT 226
 DRL 19
 912 10-05-04
 0/L3 2-1-05

HWH ELIG.

ARD 9-30-05

OMS0024B

Date: 15-Nov-2005

David L. Moss Criminal Justice Center

Page: 1 of 1

Time: 2:51 PM

Offenses

Person Id: 0112399

COX, DONALD CLARK

Booking Id: 1111141

Case #	Offense Type	Offense Description	Bond	Judge	Status	Date	Time
	FELONY	ESCAPE PENITENTIARY	\$50,000	ARR	312 - Not Filed By	09/19/05	14:18
	FELONY	HOLD/ FOR DOC	\$0		HDO - Hold DOC		
		DELETE			DEL - Deleted Char	11/10/05	9:52

Citationizer: Table of Authority

None Found.

Time Sheet

For the Month of : September 30,

Current Days Remaining Report for: 215181 COX, DONALD C

Case Supervisor: WOODWORTH, ALLEN

Housing Unit: D2CCC-TULSA CO JAIL

CRF # 2003-3272 Counts: 1

Effective date	Time Served	Earned	Lost	Other	Month Net	Days Remaining
31 AUG 2005						88 ⁸⁹
30 SEP 2005	30	18	36 ⁵	0	-31 ⁹	40 ⁶ 14

Comments:

SALLY HOWE SMITH
COURT CLERK

Tulsa County Courthouse
Tulsa, Oklahoma 74103-3844

500 South Denver, Rm. 200
(918) 596-5000

Date: 10/27/03

____ Pursuant to *Title 28 O.S. Section 31*, and a ruling by the Supreme Court in *Kenneth Williams vs. Don Austin #83,872*, there is a charge for copies. \$1.00 for the first page and .50 for each additional page, **per document**. If you are unable to pay for copies, you must petition the Court to grant you copies at state expense. This should be presented and processed as any other motion/petition. The fact that you may have been declared a pauper, or granted an appeal in forma pauperis, does not allow you to receive copies from this office without charge; **that is a separate privilege you must request of the Court.**

____ Your documents/pleadings were received and filed in your case this day. For your convenience, and the Court's, we have forwarded a copy of your pleading(s) to the District Attorney for response, and to the Court for ruling. In the future, if you wish a date-stamped copy returned to you, **it will be necessary for you to enclose an extra copy for that purpose.** As stated above, there is a statutory charge for all copies unless otherwise directed by the Court.

X The total costs of the copies you have requested is \$ 2.00. Please send check or money order in this amount, payable to the COURT CLERK, **restating your request.**

Travis Report & Docket Sheet
NF 05-6330

____ As stated in paragraph one, there is a statutory charge for all copies. Since your request is general and not specific, we suggest you purchase a copy of the appearance docket(s) at a cost of \$ _____. You will then be able to request specific document and we will be able to accurately quote you the cost.

Respectfully,

SALLY HOWE SMITH, Court Clerk
Tulsa County, Oklahoma

By: *Amberly Adolphe*
Deputy Court Clerk
Criminal/Traffic Division

DM58032-R01

Date: 05-Dec-2005 Time: 6:10 AM

David L. Moss Criminal Justice Center

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Current Inmates by Pod in Name Order

Inmates in Pod J4

Cell	DLM Number	Name of Inmate	DOB	Race	Gender	Book Date	Custody Level	Days
J4-XX-1	1140479	ADEDIBU, ADEKUNLE KAMARUDEEN	4/3/1985	B	M	11/7/2005	2	28
J4-II-1	9909160	ADKISM, MICHAEL WAYNE, JR	12/3/1981	B	M	12/1/2005		4
J4-V-2	1126718	AGUIRRE, JEREMY LEE	12/15/1984	W	M			
J4-M-2	0824506	ALEXANDER, JR., CHESTER	4/20/1964	B	M	8/25/2005		102
J4-P-2	1141597	BAILEY, JAMIE	9/29/1974	B	M	2/10/2005		298
J4-S-1	0085103	BAKER, JEFFERY DON	7/28/1960	W	M	11/10/2005		25
J4-KK-1	1131093	BARE, ROBERT VICTOR AKA ANTHON	4/24/1983	W	M	11/4/2005		31
J4-UU-1	9901883	BATES, ISAAC ALEXANDER	8/10/1980	W	M	8/22/2005		105
J4-AA-1	9809091	BAUDER, JASON DANIEL	10/4/1979	W	M	11/29/2005		6
J4-OO-2	1145851	BOWERS, RANDY LEE	11/15/1974	W	M	10/17/2005		49
J4-B-1	0154883	BROWN, BILL CHARLES	3/15/1971	W	M	9/23/2005		73
J4-UU-2	0933587	BROWN, MICHAEL NEAL	10/27/1970	W	M	11/7/2005		28
J4-MM-2	0090308	BULLOCK, DARRYL ADRIAN	9/23/1962	B	M	5/4/2005		215
J4-L-1	9808853	CAMPBELL, ANTHONY DEJUAN	6/22/1980	B	M	11/21/2005		14
J4-CC-1	1103900	CANNON, CRAIG MICHAEL	11/2/1982	W	M	10/17/2005		49
J4-O-2	1148018	CARTER, GLEN ALLEN	8/31/1925	W	M	9/28/2005		68
J4-RR-2	0920205	CELESTINE, MARCO JEROME	9/3/1973	B	M	6/24/2005		164
J4-TT-1	9808769	COILS, ISAAC LEE	6/2/1979	W	M	1/7/2004		698
J4-C-2	0112399	COX, DONALD CLARK	9/29/1958	B	M	9/11/2005		85
J4-LL-2	0070822	CRAWFORD, MICHAEL SANTANA	5/21/1961	B	M	7/29/2005		129
J4-I-1	9706191	DAVIS, MARCELL	8/24/1979	B	M	10/30/2005		36
J4-A-1	0112139	DELOZIER, RAYMOND DRURY	6/30/1965	W	M	10/7/2005		59
J4-V-1	1136656	DETER, JUSTIN CECIL	4/19/1985	W	M	7/20/2005		138
J4-MM-1	9900524	DUNN, JASON ERIC	10/22/1972	W	M	12/5/2005		0
J4-T-1	1100213	ECHOLS, CREIG ANTHONY	7/9/1985	B	M	8/1/2005		126
J4-F-2	1131786	EMBRY, ROBERT DALE	9/3/1985	B	M	12/3/2005		2
J4-Q-1	1107783	EZECHUKWU, BERNARD OGOMGBU	8/11/1983	B	M	5/5/2005		214
J4-T-2	0057600	FINNEY, TERRY CLAYTON	3/8/1957	W	M	11/18/2005		17
J4-SS-1	1142238	GIEFER, JEREMY ANDREW	6/27/1986	W	M	1/20/2005		319
J4-F-1	1149492	GONZALES-AUGLES, FERNANDO	6/3/1983	H	M	12/3/2005		2